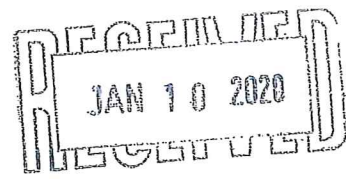




Immigration and  
Refugee Board of Canada  
Refugee Protection  
Division

Commission de l'immigration  
et du statut de réfugié du Canada  
Section de la protection  
des réfugiés



RPD File: TB7-18777

## NOTICE OF DECISION

[*Immigration and Refugee Protection Act*, subsection 107(1)]  
[*Refugee Protection Division Rules*, rule 67]

James Robinson

Member

**In the claim for refugee protection of:**

**Date of birth:**

**UCI:**

---

The claim was heard on December 20, 2019.

The Refugee Protection Division determines that **the claimant is a Convention refugee and therefore accepts the claim.**

The reasons for the decision are attached.

January 7, 2020

Caroline Fischer, Case Management  
Officer

---

For the Registrar  
Tel: 1-866-790-0581



5

**IMMIGRATION AND REFUGEE BOARD**

10

**- REFUGEE PROTECTION DIVISION -**

15

Reasons for the decision in a Hearing under the

*Immigration and Refugee Protection Act*, concerning

20

**HELD AT:** Toronto, Ontario

25

**DATE:** December 20, 2019

30

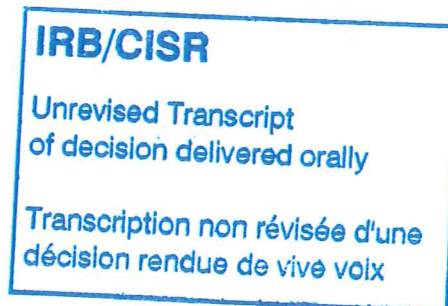
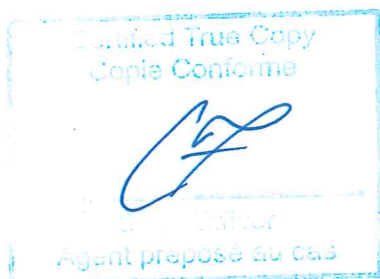
**BEFORE:** J. Robinson - Member

35

**APPEARANCES:**

Edward C. Corrigan	- Claimant
N/A	- Counsel
L. Sakkab	- Minister's Counsel
	- Interpreter

40



5

**DECISION**

**MEMBER:** This is the decision for, \_\_\_\_\_, in file number \_\_\_\_\_

10

I have considered your testimony and the other evidence in the case and I'm ready to render my decision, orally.

15

Your identity and country of reference are established, on a balance of probabilities, through the certified true copy of your Syrian passport, the original of which is currently held by Canada Border Services Agency.

I find that you are a Convention refugee on the grounds of political belief, for the following reasons:

20

The allegations are found in your Basis of Claim Form. You fear that you will be killed or seriously harmed by the government of Syria because you are a Druze, because of your participation in anti-government, political rallies and activities and because of your failure or refusal to serve in the Syrian army.

25

I find that there is a link between what you fear and political opinion, one of the five grounds set forth in Section 96 of the IRA[sic].

30

In terms of your general credibility, I found you to be a credible witness and I, therefore, believe what you have alleged in your oral testimony and in your Basis of Claim Form.

35

I accept your evidence, based upon your credible testimony and find, on the balance of probabilities, that you were active in political protests in Homs and Damascus, from and after April 2011 and that you came to the attention of the Syrian police by reason of your political activities.

40

I accept your evidence based upon your credible testimony and find, on the balance of probabilities, that you were arrested by security <inaudible> of the Syrian state on October 28<sup>th</sup>, 2012 and that you were interrogated and tortured over a period of five days and imprisoned for a further seven days because of your political activities and opposition to the Syrian government.

45

I, therefore, find that your subjective fear is established by your credible testimony and the corroborating documentary evidence and I believe what you have alleged, on a balance of probabilities.

I find that the agent of persecution is the government of Syria.

50

I'm satisfied, on the balance of probabilities, that you were granted temporary protective status by the government of the United States in 2013 and that you applied for asylum but that you have never

5 received a hearing date and there has been no progress upon your application for asylum prior to your flight to Canada.

10 Your testimony is supported by the objective documentary evidence. Exhibit 3 consists of relevant extracts of the National Documentation Package for Syria. The extensive documentary evidence indicates that all parties in the Syrian conflict are engaging in gross violations of international and humanitarian law and perpetrating human rights abuses upon civilians, including torture, rape, extra-judicial killing, shelling, barrel bombing and the use of chemical warfare. I reference Tab 1.12 of the NDP.

15 According to the UNHCR, different parties to the conflict frequently impute a political opinion or affiliation to larger groups of people, including families, tribes, religious or ethnic groups, whole towns, villages or neighbourhoods. Persons can become the targets for repercussions by different actors within the conflict, solely by reason of their membership in a group, which is perceived to support another faction or party. I reference Tab 1.12 of the NDP, once again.

20 A portion of the claimant's country conditions documents filed as Exhibit 8 in this proceeding, consisted of 11 separate articles from current journalistic sources corroborating the continuing persecution of the Druze minority within Syria, by the State and by rebel groups.

25 With respect to forced military conscription, the objective country conditions reports are also corroborative of the claimant's testimony. The Danish Refugee Council cites sources that:

30 "describe a number of possible consequences if an evader is caught by the authorities; immediate conscription upon arrest, deployment to the front line, investigation and torture and/or imprisonment." I reference Tab 8.3.

Finally, Human Rights Watch reports that:

35 "Syrian intelligence branches are arbitrarily detaining, disappearing and harassing people in areas re-taken from anti-government groups." Tab 2.8

40 The foregoing country conditions reports are, therefore, consistent with the facts to which you have attested. I find your testimony to be credible. It was given directly. It was broadly consistent and there were no inconsistencies that went to the heart of the claim.

I find that the events as described by you, did, in fact, occur.

45 There is an objective basis for your subjective fear and you, therefore, have a well-founded fear of persecution.

There's a presumption of state protection which may, however, be rebutted with clear and convincing evidence. In this case, the government of Syria itself is the agent of persecution.

50 Based upon your personal circumstances, as well as the objective country documentation, I find that you have rebutted the presumption of state protection. State protection is not available for you.

5

I have also considered whether a viable internal flight alternative exists for you. Again, the government of Syria is, itself, the agent of persecution with the reach and the motivation to pursue you.

10

I am satisfied, on the balance of probabilities, that the agent of persecution retains its interest in you because of your anti-government, political activity, your failure to serve in the military and your Druze identity.

15

I find that the test fails on the first prong. In all the circumstances, you have no reasonable flight alternative within Syria.

In find, on the balance of probabilities, that there is a serious possibility that you will face persecution throughout Syria. There is no safe place for you. In all the circumstances, you have no reasonable flight alternative within Syria.

20

Based on the totality of the evidence, I find you to be a Convention refugee and I accept your claim.

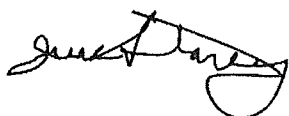
Welcome to Canada.

25

----- **REASONS CONCLUDED** -----

30

I HEREBY DECLARE THAT THIS IS A TRUE  
TRANSCRIPT OF THE RECORDING AND THAT I HAVE  
SWORN THE OATH OF SECRECY



35

---

June Stanley, Transcriptionist  
For DigitScribe Inc.  
Security# 96202724-0002401889

40

December 27, 2019